



LAKE MARY CITY COMMISSION

**Lake Mary City Hall
100 N. Country Club Road**

**Regular Meeting
MINUTES
THURSDAY, OCTOBER 20, 2022, 7:00 PM**

NO VIDEO RECORDING WAS MADE FOR THIS MEETING.

1. Call to Order

The meeting was called to order by Mayor David Mealor at 7:03.

2. Moment of Silence

3. Pledge of Allegiance

4. Roll Call

David Mealor, Mayor
Jordan Smith, Commissioner
George F. Duryea, Commissioner
Sidney Miller, Deputy Mayor
Justin York, Commissioner
Kevin Smith, City Manager
Stephen Noto, Assistant City Manager
Michael Biles, Police Chief
Michael Johansmeyer, Fire Chief
Michelle McCurdy, City Clerk
Krystal Clem, Community Development Director
Bruce Paster, Public Works Director
Bryan Nipe, Parks and Recreation Director
Brent Mason, Finance Director

Danielle Koury, City Engineer
Sabreena Colbert, City Planner
Tom Rhodes, Network Specialist
Catherine Reischmann, City Attorney

5. Approval of Minutes

A. Approval of Draft City Commission Special Called Meeting Minutes for September 22, 2022.

Commissioner Duryea made a motion to approve the Draft City Commission Meeting Minutes of September 22, 2022. Commissioner Smith seconded the motion, and the motion carried unanimously.

B. Approval of Draft City Commission Meeting Minutes for October 6, 2022.

Commissioner Smith made a motion to approve the Draft City Commission Meeting Minutes of October 6, 2022. Deputy Mayor Miller seconded the motion, and the motion carried unanimously.

Mayor Mealor stated that before the special presentations he'd like to discuss the recent hurricane, Ian. He continued by saying this hurricane was both historic and catastrophic. We still have areas of our county that are experiencing difficulties. He asked City Manager, Kevin Smith, to update Commission on one of those areas of concern in the Lake Mary community.

Mr. Smith stated that among other things, this hurricane was a huge rain event. We saw flooding synonymous with what we saw during Tropical Storm Fay. Fortunately, we didn't fare as bad here in Lake Mary as our neighbors in Sanford or out in the eastern part of the county. We did have a few areas that required our attention to the extent that pumps were necessary. One such area was around Hallmark Court as it backs up to the college. Our astute staff had a great idea, rather than rely on our normal infrastructure, storm drains, to address the issue like we've done in the past, we thought we could pump the water and transfer it across the street into the college's pond. Permission was needed, and with the wonderful, long-standing relationship that dates back to Dr. McGee and continues now with Dr. Lorenz at Seminole State, they were more than happy to oblige us. They required a hold harmless agreement, which you see sitting in front of you. Mr. Smith advised Commission that he had gone ahead and signed that agreement on behalf of the City. The conversation had taken place on the previous Friday and Mr. Smith stated that he didn't foresee waiting a week until the meeting and have that water continue to stand there. He advised and gave Commission an opportunity to address the agreement with any questions and/or any concerns in that regard.

Mayor Mealor stated by City Charter that is certainly within the prerogative of our City Manager.

Commissioner Duryea asked if he had run it by council. Mr. Smith stated he had.

6. Special Presentations

A. Florida League of Cities - John Land Years of Service Award presentation to Commissioner George Duryea for 35 years of service (Eryn Russell, Ambassador)

Mrs. Eryn Russell, Membership Program Specialist from Florida League of Cities came forward. She gave a brief background of Florida League of Cities and what they do. She then stated that it is her honor to be there to present Commissioner George Duryea with the John Land Years of Service Award in recognition of his thirty-five years of service to the City of Lake Mary. This award recognizes municipal elected officials who have extensive, dedicated years of service to their City. As Commissioner Duryea has sat in this role, he has had his own life, his own career, his own family. But he has still dedicated thirty-five years of service to this City on behalf of its residents. Making it the wonderful place that it is today. Congratulations and thank you for your municipal service.

Commissioner Duryea stated that it has been a pleasure. He's had some very late nights and battles, but he's been fortunate to be on a Commission with some very professional people. He thanked her very much, and said, it's been his pleasure.

Mayor Mealor stated that many people may not know that Commissioner Duryea at one time was a ranked tennis player, is the owner of a boutique CPA practice, and is a true gift to our City.

B. City Employee of the 3rd Quarter - Amanda Rodriguez, Firefighter/EMT (Mike Johansmeyer, Fire Chief)

Mike Johansmeyer, Fire Chief and Amanda Rodriguez both came forward.

Chief Johansmeyer stated that there are so many deserving employees throughout the whole City, every quarter it is the hardest decision to make, but this particular quarter Amanda stood out a little more. Not only has she done so many things with our community outreach, but she has also exemplified our program, Champions for Life. This really reduces risks to life in the City for our citizens and for our employees through fire prevention, through Community outreach and learning many different things before an accident actually happens. She has also been instrumental in our open house, which is November 12th. Her recognition isn't only internal to Lake Mary, she's had a great quarter and has been recognized by others. It started with the Lake Mary Rotary Club; she was the first responder of the quarter which is a high honor. He attended the Fire

and EMS Advisory Group Meeting, at Seminole State College, which he chairs. Amanda had been elected by her peers and instructors to be the student representative to that board. It's a huge honor, she is touching many lives beyond just her duties here; we are so proud of her.

Mayor Mealor stated that as he looks around and sees Amanda's colleagues, what a compliment to the leadership team, to the men and women she serves with. It really is a testament to how we are achieving excellence. Thank you for supporting her and for doing the job that you do for us every single day. It makes a difference. Thank you.

7. Citizen Participation - This is an opportunity for anyone to come forward and address the Commission on any matter relating to the City or of concern to our citizens. This also includes: 1) any item discussed at a previous work session; 2) any item not specifically listed on a previous agenda but discussed at a previous Commission meeting or 3) any item on tonight's agenda not labeled as a public hearing. Items requiring a public hearing are generally so noted on the agenda and public input will be taken when the item is considered.

No one came forward, and the citizen participation section was closed.

8. Unfinished Business

9. New Business

A. 2022-RZ-05, Ordinance No. 1670, A request for Final Planned Unit Development (PUD) rezoning from A-1, Agriculture, to PUD, Planned Unit Development, for a 23-lot single family residential subdivision, on +/- 8.30 acres located on the north side of Washington Ave., east of Longwood-Lake Mary Rd. and west of Rolex Pt. Applicant: Mr. Mark McIntosh, Toll Brothers, Inc. (Quasi-Judicial – Public Hearing - First Reading) (Sabreena Colbert, Project Manager)

B. 2022-PSP-01, A request for a Preliminary Subdivision Plan for a 23-lot single family residential subdivision, on +/- 8.30 acres of property located on the north side of Washington Ave., east of Longwood-Lake Mary Rd. and west of Rolex Pt. Applicant: Mr. Mark McIntosh, Toll Brothers, Inc. (Quasi-Judicial – Public Hearing) (Sabreena Colbert, Project Manager)

Items A-B were related and discussed simultaneously. They will be voted on separately.

Katie Reischmann, City Attorney, read Ordinance No. 1670 by title only.

Sabreena Colbert, City Planner, came forward to discuss the information as presented in the Staff report, which was included in the agenda packet for review.

Commissioner Duryea asked if we normally have a minimum lot width of 75 feet.

Mrs. Colbert stated that they are requesting a PUD, which is site specific. The R1A zoning minimum is 73 feet. Krystal Clem, Community Development Director, is going to verify that information. They are meeting the requirements for the R1A and consistent with the adjacent subdivision to the west of Twelve Oaks. The future land use designation would allow ten more lots within the community which would be more intense than what is proposed.

Commissioner Duryea asked if four units an acre is normal.

Mrs. Colbert stated that is for low – medium density residential. Our low density residential is 2.5 dwelling units per acre which is what Twelve Oaks is to the west. This project yields 2.77 which is more in line with our LDR rather than four which is the low-medium density residential.

Mrs. Clem added that the R1A lot width is 75 feet.

Paul Hoyer, 301 Washington Ave came forward with concerns of drainage.

Rick Burr, 311 Washington Ave came forward with concerns regarding drainage.

Mayor Mealor spoke to the applicant, stating he knows the applicant spoke at the Planning and Zoning Board meeting. This has been a concern; it has been cited. He has spoken with staff and discussed this concern. He then asked if the applicant would update the Commission.

Geoff Summit, Summit Engineering, 3667 Simonton Place, came forward. He stated drainage is always a concern. At the Planning and Zoning Board meeting the hurricane was fresh, and there is always a little bit of drama surrounding hurricanes. Drainage is always at the forefront of everyone's minds. There is an existing pond on this site and when we look at a post development condition or construction condition, we do have to take into account what drainage was actually held on the site before we develop it. When we look at what we may discharge or may not discharge we have to take into account that existing condition. This will be addressed in the final calculations and the final engineering plans. In regard to the drainage for the property, look at the topography map, the property does fall from the northeast to the southwest. That's where you always want to put your retention ponds. We will have to raise the site to hold the water, similar to Twelve Oaks and Rolex Point. We're trying to create ponds that meet the current criteria, and we are dealing with an area that was developed long before those standards were put in place. Whenever you try to marry old and new there is always going to be a little bit of a transition. The ponds will be designed to meet the criteria that's in the City code. This code criteria for this basin is a 25/24 pre post rate. We will have to meet that criterion that is currently in the code. We're not asking for any

waivers or variances to what the code actually says. From that perspective we will meet everything in the code once we come to final engineering.

Mayor Mealor stated that we need to separate a couple things before moving forward. We've heard Twelve Oaks mentioned several times. He asked City Attorney, Mrs. Reischmann, to confirm that the decision before them deals only with the request from the Toll Brothers property. What this gentleman is saying right now hopefully will mitigate some of the concerns that were brought forward earlier from our citizens. We can deal with that, as a City. Now we've heard about a concern from Twelve Oaks, we can talk about that in the future. At this moment he would like to focus the discussion on this particular request, this particular ordinance, and the request for the preliminary subdivision plan. He also clarified with Mr. Summit that in reading the Planning and Zoning minutes he was trying to address a very real concern that these residents have, and he believes Mr. Summit is telling them that prior to approval they will have to show that indeed they can capture all the runoff from that proposed 23 lot subdivision.

Mr. Summit answered saying it needs to be defined a little tighter. When we do a design from an engineering perspective, we have storms that we take into account. Everything is statistical analysis. We look at basins and we look at criteria, we look at things such as does the water have a place to go. The water here does have a place to go. The water goes to Soldier's Creek and that water goes to Lake Jessup and then the St. Johns River and off to the Atlantic Ocean it goes. We all know that after the storm came through that Longwood Lake Mary Road was under water for about a day and a half as Soldier's Creek filled up and came across and went to the south. The water does leave, it does have a way to get out of here. When we look at that type of criteria there is a certain storm event there is a certain application of that storm event that we do for that site. This site would be a 25/24 storm because it does have a place to go. What the Planning and Zoning was talking about is something that you would deal with from some of the closed basins that are around here, such as Crystal Lake, where water just doesn't have a place to go. That's when it becomes very critical, and you must make sure your account for the entire volume. What we're trying to do is mitigate rate. We don't want to send a river across the street.

Sandy Donoughue, 321 Washington Ave came forward with concerns of drainage.

Patricia Licata, 311 Washington Ave came forward with concerns regarding drainage.

Commissioner Duryea asked if the side set back is less than our normal minimum.

Mrs. Colbert stated the side set back proposed is 7.5 feet, the typical minimum is 8 feet. It is half a foot less but is in line with previous development patterns and approvals.

Commissioner Duryea asked if it has 35% open space.

Mrs. Colbert stated, yes, that will be required.

Commissioner Duryea asked if the fencing was commercial on the north side.

Mrs. Colbert stated that the north side is the other parcel that was Bloom Masters, it is Lake Mary Blvd as well as other commercial tracts.

Commissioner Duryea asked if that would require fencing.

Mrs. Colbert stated that the residential use to commercial use doesn't typically require fencing. It's when commercial comes in to develop, they buffer against the residential. But she does think they are providing some fencing as part of the development, but it is not a code requirement.

Commissioner Duryea stated that he would love to see part of the reason we have these concerns about drainage is the density is too high. If the houses were separated more, we'd have more percolation and I'd like to see the lots a little bigger.

Commissioner Smith stated that he drove down Washington Avenue last weekend coming back from the park. He hears the residents' concerns, so his recommendation is if we can have staff do some preliminary studies to see what type of improvements can be done to Washington Avenue. The neighborhood has certainly evolved over the past couple of years, and he thinks it is time that we look at improvements to protect the existing and future homeowners.

Commissioner York stated that he would like to piggyback off what Commissioner Smith had stated. He asked Mr. Smith if there have been any studies on ways to improve storm water infrastructure along Washington Avenue to assist with promoting storm water runoff away from the south side of Washington. He agreed that it is more of a historic neighborhood, and this might be an opportunity to look at the neighborhood as a whole to see if we can find ways to improve the infrastructure in that area.

Mayor Mealor stated, to be very honest with you, I think that the comment that both Commissioners Smith and York bring up is germane to the two items that we have before us for consideration and asked Mr. Smith to continue.

Mr. Smith stated that it can be answered in two different ways. In the short term, before the second reading, we can look at some potential swales along the front to see if that may have some improvement. In a broader scope he has had several conversations with staff and completed a lot of research on the matter. He knows that the historical thought process was that Washington Avenue needs to remain sort of in a rural type context, somewhat to how it looks now. He asks if the dais has any desire for staff to conduct an analysis. Some consulting help may be needed to make a full-blown analysis of this road to see what improvements we can potentially do to see if there is some appetite to discuss curbs and gutter, drainage, or stormwater connection. If it's agreeable to both residents and this dais, we could undertake a study just to see what it

would look like to put in more of what we call complete streets on the road. That being said, he would like to manage expectations. There are two constraints that he can already think about in doing this. There is the constraint with funding. The third-generation sales tax is about to expire. If the voters approve a fourth generation, it would be a protentional funding source to use for this type of project. The second one is we struggle with City property availability on this road for onsite storage. There are some built in challenges, but this would be worked out in a full-blown study to address what can and cannot be done.

Commissioner York stated that answers his question and he thinks too that to Mr. Smith's point, as he would also like to hear from the other Commissioners, would be worthy of an examination.

Commissioner Smith stated he agrees 100%.

Commissioner Duryea stated that concurrency requires improvements be there when the subdivision is approved.

Mayor Mealor commented on the site only. Unfortunately, some of the legislative activity in the last several years, for lack of a better word, tied our hands. They've preempted a lot of activity. What I think we're doing right now is going to be very helpful. We must separate the two items before us. Ordinance 1690 and the request for the preliminary subdivision plan. That is one thing, What we're talking about now is a separate thing that I think is critically important and I think it is in keeping with the discussions that we've had. Trying, as the City Manager said, to maintain the feel of the road, the feel of the community, and at the same time try to mitigate some of the unintended consequences.

Mr. Smith stated he is hopeful that we can do that, and he would like to find out. He addressed Commissioner Duryea's question, saying he believes on the first part he is correct. The development and resulting drainage post development cannot be any worse than predevelopment. That is law. That is to a 25-year storm. The second part of the question is if we could do an analysis and take a look at potential substantive and critical infrastructure improvements. That may address the long-term concerns.

City Attorney, Mrs. Reischmann wanted to mention that there is state law as the fact this is a private property right state. There is state law that constrains the commission as to this particular decision and we certainly don't want to put ourselves in a position where we've gotten so far in the field and created a lot of issues that maybe aren't directly pertinent to this particular property. Whether it's our prerogative to look at the street in a general way has not really affected the fact that this property is coming in and meeting code and state law says if there is an issue with the road or the existing drainage, we can't really consider that. We have to consider what our code says, and our code is intended to provide that we're not making it worse.

Mr. Smith explained that is what he was trying to articulate earlier. Perhaps after Commission is done adjudicating this item, they can direct him to perform a study to bring back to this Commission at a future date, yet to be determined.

Mayor Mealor stated that this is exactly what he was going to recommend. Commissioners we've discussed these two items simultaneously, but we're going to vote on them separately. He continued with what he would like to do if he may, is create an Item 10, Other Items for Commission Action. He then asked if they would agree to continue the discussion that our three Commissioners have brought to our attention, related to Washington Avenue there. If that is acceptable, then we will seek feedback from our residents that will be and are impacted under item 10.

Commissioner Duryea stated that he has a concern that this is pretty much in the Soldier's Creek area and run off from properties and roads and so forth has special restrictions when in flood plains like that. The second thing he wanted to bring out is development is supposed to pay for these infrastructure improvements. I would be against it if the City came up and said we're going to pay for it. There must be some other way to finance this through development. There is still quite a number of properties on Washington Avenue not developed.

Mr. Smith stated that Commissioner Duryea is 100% correct. If the Commission is agreeable to doing this, we shouldn't waste any time. There is going to be more development that comes into play, and we would ask the developers to assist with that type of infrastructure to mitigate those costs. Some of the costs may fall on us, but certainly it's a multi prong approach and that would be part of the analysis that we would bring back for your consideration.

Mayor Mealor closed the public hearing section of these two items. Do we have any further questions or comments for our staff? Or for each other? I think we have some direction.

Mr. Hoyer in the audience had another question.

Mayor Mealor made an exception and stated that Pastor Hoyer has served on a number of volunteer boards for years in this community and out of respect he would allow him to come to the podium and address the Commission.

Mr. Hoyer stated that if you drive down Longwood Lake Mary Road you can see how development has handled Soldier's Creek in the past. Where they raised all of the houses up four or five feet and then there is a drop off. In the twenty-eight years that he's owned his property the water part has come way up, and he's lost almost three acres. His concern on this one is what was brought up, where they've raised it for Twelve Oaks and they're going to raise it for this one, then they have a mandatory set back which then creates a ten-foot gully. Where does that go?

Mayor Mealor stated that they would address Mr. Hoyer's questions on item 10 if it is the Commission's pleasure.

Commissioner Smith made a motion to approve Ordinance No. 1670, A request for Final Planned Unit Development (PUD) rezoning from A-1, Agriculture, to PUD, Planned Unit Development, for a 23-lot single family residential subdivision, on +/- 8.30 acres located on the north side of Washington Ave., east of Longwood-Lake Mary Rd. and west of Rolex Pt. Commissioner York seconded the motion and the motion carried 4-1 by roll-call vote. Commissioner Smith, Yes; Commissioner Duryea, No; Deputy Mayor Miller, Yes; Commissioner York, Yes; Mayor Mealor, Yes.

Commissioner York made a motion to approve 2022-PSP-01, A request for a Preliminary Subdivision Plan for a 23-lot single family residential subdivision, on +/- 8.30 acres of property located on the north side of Washington Ave., east of Longwood-Lake Mary Rd. and west of Rolex Pt. Commissioner Smith seconded the motion and the motion carried 3-2 by roll-call vote. Commissioner Duryea, No; Deputy Mayor Miller, No; Commissioner York, Yes; Commissioner Smith, Yes; Mayor Mealor, Yes.

10. Other Items for Commission Action

Mayor Mealor stated that we know by code the request for the preliminary subdivision plan and for the 23-lot single family subdivision will come back to us for a second reading. Now that is set aside, we have a couple of things to talk about and may be able to do them simultaneously. One is the concern regarding Twelve Oaks and the issues that were brought up by Commissioners York, Smith, and Duryea. I'm open to direction through our City Manager for staff. Pastor Hoyer brought something up, I'm not sure how we mitigate it. A couple of years ago we mentioned the very issue that he talked about with Soldier's Creek encroachment and again based on where that is in unincorporated Seminole County, I'm not sure if there is opportunity for collaboration or not.

Commissioner Smith stated that his direction for staff would be to ask the City Manager to get with staff to do a full-blown study to see what kind of improvements can be done on Washington Ave.

Mayor Mealor asked if there was any objection. He then stated although it's not his style, we know that as frustrating as traffic has been on Washington Avenue, we have seen improvement and it is now documented. We have an opportunity should this project be approved on second reading to do additional traffic calming, as we've done on Lakeview. He asked Pastor Hoyer if he or any of his colleagues would be willing to work with staff in the discussion of what some mediation or correction may look like.

Mr. Hoyer stated he would be willing.

Mayor Mealor stated that's what we will do if it is acceptable to Commission. We've now directed staff that we need to look at Washington Avenue, particularly in the segments from Rolex Point up to Longwood Lake Mary Road. Maybe if we do a notice and invite the public in with our staff to have an opportunity to, if possible, get on the same page, for determining what solutions may look like. He asked if they think we need a Commission liaison at this time or if it is preferable that staff work and then bring it back to Commission for their input.

Mr. Smith stated that he thinks some type of collaboration with our residents is vital, but he thinks we need to take a conservative, measured approach that needs to start with giving staff an opportunity to do some additional research. He thinks it incumbent to say that this is somewhat of a paradigm shift from where we have been directed before regarding the approach to Washington Avenue and in order to be able to manage expectations we need to get some professional help to come in and tell us how we're going to handle the storm water, what are potential ways to mitigate that when there is no land available for ponds as mentioned earlier. If we could get an opportunity to get that work done, we'd be in a much better position to be able to communicate and collaborate and come up with a workable solution.

Mayor Mealor stated that he thinks that is fairer to our residents, allowing them to provide appropriate feedback once they have something to consider.

Deputy Mayor Miller asked if this would be done and then invite citizens to listen to what the staff has come up with, and if it would be prior to another Commission meeting.

Mayor Mealor stated that these are separate items, 9 A and B are separate from the discussion we're having at item 10. We cannot mix the two, and with the City Attorney's wise counsel we have not done that. He thinks that is very important for long-term ramifications/implications.

Deputy Mayor Miller asked if the resolution of what is being discussed in any way affects 9A or B.

Mayor Mealor stated that no it cannot. It could in terms of the second reading but what they are saying right now is that they have listened to our citizens, the applicant has met all standards by Florida Statute, and our own ordinances. With that said, that is that, now let's look at a broader picture and more that may be more helpful.

Deputy Mayor Miller stated that problem gets worse every time we meet those statutes and do what we're supposed to do. The problem is getting worse so there is clearly something amiss with our process, if we approve things that make the situation worse.

Mr. Smith stated that the discussion that we're having under item 10 now will be a proactive way to prevent us from being in that situation in the future. At this point and time, we're without recourse to do anything different on 9A and 9B.

Deputy Mayor Miller stated that he understands.

Mayor Mealor stated that in fairness the applicant that came before us has already met with staff, planning sessions, they've talked about what they need, what we need, we find a way to make it work. I think with item 10, if we do this the right way, any future development coming forward, staff will have additional knowledge base and expectations to communicate with any future applicant.

Steve Noto, Assistant City Manager came forward and stated that this is a congruence of a lot of issues over a lot of years. As far as what is to be done with Washington Avenue, as you said Mayor, we have a lot of historical policy direction that came from prior Commissions but also the community itself to leave Washington in a certain way physically. That has resulted in different impacts throughout the years, whether it be traffic, storm water, or it be pedestrians, etc. Trying to marry prior input and preferences to that road to what's happening with development has proven to be a bit challenging and a bit different to how we would handle it in different parts of the City as a result of that input. The developability of that quarter rests on the north side, the south side is wet, it's all Soldier's Creek and all wetlands. Nothing is going to happen on that side. So, if we can take this opportunity to receive that new direction via the community, via the Commission, to do swales, whatever it may be to improve Washington Avenue, to the road, to probably what it should be, now is the time to do it because the north side is where the development is going to happen. We just need to understand what needs to happen to that roadway to address the historical issue and then plan for that future development.

Mr. Smith stated that to add on to what Commissioner Duryea said would be the time, as Mr. Noto noted, to be able to take advantage of potential new development that would pay for it.

Mayor Mealor stated that another thing too is he thinks if we do this right now, as frustrating to residents, particularly some of those residents who have been here, established themselves, and see the change, if we can do this the right way, any future development that comes related to that area the concerns are addressed at this point and time. Hopefully we won't have some of the same concerns. To those who took the time to be here tonight, and time to speak, thank you. It does make a difference and we do listen. He appreciates it very much.

Mr. Smith wanted to clarify that he does have consensus to move forward with what has been discussed.

Mayor Mealor stated that yes, it is important.

There were no more questions related to this item. The item was then opened for public hearing. Nobody came forward and the public hearing section was closed.

11. City Manager's Report

A. Items for Approval

a. Police Department Surplus of Tasers

Mr. Smith discussed the information presented in the Staff Report which was included in the agenda packet for review.

He requested that Commission declare the referenced tasers surplus and authorize him to dispose of the same.

Commissioner Duryea made a motion to declare the referenced tasers surplus and authorized City Manager, Mr. Kevin Smith to dispose of the same. Commissioner York seconded the motion, and the motion was approved unanimously.

B. Items for Information

a. Monthly Finance Report

Mr. Smith stated that everything is trending normal. This is our period twelve report. We still have our period thirteen which is where we do all of our adjustments. Right now, we look to be approximately 4-5% under budget which is good news, and our print trending in a positive direction. He hopes to come back and report that we will be adding significant dollars to our fund balance but that will be forthcoming with our audit.

C. Announcements

Mr. Smith congratulated Mrs. Reichmann by stating, our own City Attorney has once again made the 2022 list of super lawyers. Congratulations!

Mayor Mealor stated he thinks she has retired that award. What a compliment to your hard work. Matter of fact this past weekend he had a number of people from the legal community complimenting the work that she does.

12. Mayor and Commissioners Report - 3

A. Deputy Mayor Miller

He stated that the discussion we had tonight has him thinking about the definition of insanity. The definition of insanity is to continue doing the same thing over and over when you know it's not the right thing to do. It looks like what we are doing with Washington Avenue is approving projects that makes that situation worse every time we approve one. We're following all of our own rules, following all the rules like we should, it just feels incredibly off to him. Anything he can do or work on to help with that he offered his time and energy.

B. Commissioner York

He thanked the City Attorney for helping silo the discussions we had tonight. He thanked the City Attorney and City Manager for continuing to work with him and Seminole County on the West Crystal Lake situation. He knows that is a situation that is evolving, he's had plenty of phone calls with the City Manager and he appreciates his continued work on it. He spoke with Seminole County Commissioner, Amy Lockhart, at the Chamber event and thanked her as well. He knows that this is a process, the homeowners they are going to meet this month had to cancel. However, when he sees them next, he will let them know the hard work everyone has been doing to see this along. It was fun to give the Mayor's update on behalf of Mayor Mealor and the rest of the Commission. It was a great time and thanked Mayor Mealor for allowing him to be the understudy at the Florida League's meeting. He knows that Mayor Mealor and Commissioner Smith were representing them well at the Homecoming Parade.

Mayor Mealor stated that he received a call commenting on the remarkable job that Commissioner York did. He was told it was probably the best representation of the group that was presenting today. He thanked Commissioner York.

Deputy Mayor Miller stated that Commissioner York was amazing. His comments were incredible. There were seven people on the dais, and it was clear that one person on there was on top of everything and was super articulate. He made our City very proud.

Mr. Smith confirmed the same.

Commissioner York stated that he appreciated that very much.

C. Commissioner Smith

He stated that on Tuesday he attended a hands-on CPR, he thanked Torry Walker for doing that at Crystal Lake Elementary School, and the PTA for organizing it. As the Mayor said, they did go to the Lake Mary High School Parade, and thanked the Lake Mary student leadership team for organizing that and giving them the opportunity to participate with all of the various organizations and clubs. This weekend is the Rotary Champion Rides for Charity, for local charities in Seminole County and there are all sorts of skill levels there. Lastly, he said Lake Mary and Seminole High Schools are

having their Homecoming Dance this Saturday. If you come down here in the evening, you'll see many students taking pictures outside. Our City has become a backdrop for people to take pictures. It is well sought after and is a testament to what we do well here. Great job to the staff.

D. Commissioner Duryea

He commented along with Deputy Mayor Miller there have been subdivisions in the City, an example being Cardinal Oaks, that we made the developer put in all of the infrastructure to the nearest road. We seem to have gotten away from that.

Mayor Mealor asked Mrs. Reichmann to comment on Commissioner Duryea's concerns of why the expectations of the past are no longer present.

Mrs. Reichmann stated that we've always followed code. Codes required that internally within the subdivision that the infrastructure be funded by the developer. There are some provisions in code about improvements to public roads, but it has not been a desire of past commissions because of the community not wanting Washington Avenue to be improved. They've wanted it to remain a residential road and she thinks that is why it hasn't occurred. But also, if a developer complies with the storm water requirements, then you really can't require them to improve the public road that is adjacent to their neighborhood.

Commissioner Duryea stated that he thought in a PUD we could negotiate whatever we want.

Mrs. Reichmann stated that you could, but you do have constraints what you can ask for. We've had a lot of case law talking about if you demand something that goes beyond code, even if in the end you work it out, you could be subject to a Burt Harris Act and there was a case that went all the way to the US Supreme Court, and it came out of this state in this area. It was the Koontz case. The St. Johns Water Management District asked a developer to make an improvement that wasn't directly required by their development and even though it was just an ask it wasn't a demand, the US Supreme Court said that was case closed. You have no right to ask for something that is not required by your regulations and that is not a direct effect of the development. We shouldn't talk about it but let's hypothetically say if the development doesn't make a stormwater situation worse than what it is now then we don't have the authority, unless our code says they have to do something more, to demand or ask the developer that without some potential liability.

Deputy Mayor Miller asked if development makes the situation worse, then we have the authority to do something about it.

Mrs. Reichmann stated that we should only speak about it hypothetically because it is a due process violation to talk about this project right now.

Mayor Mealor thanked Mrs. Reichmann and said he'd rather not.

13. City Attorney's Report

No report. But she did want to take the opportunity to say that this City, with the humor and camaraderie, the respect that is shown, it really is a City Attorney heaven. Other lawyers from her office that have come are in awe. It's just such an unusual situation to be in. It's everybody, obviously the Mayor has a huge influence but everyone on this Commission and past Commissions have just shown such a respect for each other and that just translates back to staff and it's just wonderful.

Mayor Mealor thanked her.

14. Adjournment

There being no further business, the meeting adjourned at 8:25.